IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

Bail Appl..No. 6568 of 2007()

CC.481/2005 of JUDICIAL/ FIRST CLASS MAGISTRATE COURT, PATTAMBI .
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PETITIONER

THILAKAN,S/O.MADHAVAN,AGED 41 YEARS
VELLAKKADA HOUSE,ANJOOR VILLAGE,
THALAPPILLY TALUK (POST).

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR ,HIGH COURT OF KERALA.**

2. **THE SUB INSPECTOR OF POLICE, PATTAMBI POLICE STATION,PATTAMBI.**

BY PUBLIC PROSECUTORSRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6568 of 2007

Dated this the 30th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner along with co-accused faced allegations for offences punishable under Section 379 I.P.C r/w 34 I.P.C. The co-accused stood trial. He was found not guilty and acquitted. As the petitioner was not available for trial, the case against him was split up. The petitioner was not ever arrested or released. Consequent to non appearance of the petitioner, coercive processes issued by the learned Magistrate are chasing him now. The petitioner apprehends imminent arrest.

2. According to the petitioner, he is absolutely innocent. His absence earlier was not wilful or deliberate. He is willing to surrender before the learned Magistrate and apply for bail. But he apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate.

I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This application is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-